

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 14, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FATMA R.,

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,¹

Defendant.

No. 4:21-CV-5021-JAG

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 22. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Heather L. Griffith represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 6. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 22**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the

¹Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

ORDER GRANTING STIPULATED MOTION FOR REMAND - 1

1 Commissioner of Social Security for further administrative action pursuant to
2 sentence four of 42 U.S.C. § 405(g).

3 On remand, the Administrative Law Judge (ALJ) shall do the following: (1)
4 provide Plaintiff the opportunity for a new hearing; (2) make a reasonable attempt
5 to obtain outstanding records from Impact Compassion Center and Tri-City
6 Community Health Behavioral Health; (3) reevaluate the persuasiveness of the
7 medical opinions; (4) reevaluate Plaintiff's alleged symptoms, including her
8 fibromyalgia related complaints in accordance with Social Security Ruling 12-2p;
9 (5) reevaluate Plaintiff's residual functional capacity; and (6) as necessary, obtain
10 supplemental evidence from a vocational expert at step five.

11 2. **Judgment shall be entered for PLAINTIFF.**

12 3. Plaintiff's Motion for Summary Judgment, **ECF No. 16**, is
13 **STRICKEN AS MOOT.**

14 4. An application for attorney fees and costs may be filed by separate
15 motion.

16 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
17 Order, forward copies to counsel, and **CLOSE THE FILE.**

18 DATED January 14, 2022.



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A handwritten signature in blue ink, reading "James A. Goeke", is written over a horizontal line.

JAMES A. GOEKE
UNITED STATES MAGISTRATE JUDGE